

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SIMNACHER, Larry W.

SERIAL NO.: 10/717534

ART UNIT: 3654

FILED: 20 November 2003

EXAMINER: Kruer, S.

TITLE: LIFTING MECHANISM FOR A STORAGE DEVICE ON THE BED OF A PICKUP TRUCK

Supplemental Amendment C: REMARKS

Applicant respectfully requests that the present Amendment be entered to resolve the drawing inconsistency indicated in the Notice of Drawing Inconsistency of November 16, 2006 and the Response to Rule 312 Communication of December 14, 2006.

The Response to Rule 312 Communication was not timely communicated to the Applicant for a response before the deadline. There was no way for Applicant to respond before December 16, 2006, when the Response is mailed on December 14, 2006. Applicant respectfully requests that any necessary fees (by extension or by revival) be charged to Deposit Account 080879 in order to have the present Supplemental Amendment C considered and in order to avoid abandonment. Applicant will request a refund as a result of this unreasonable period for response.

In the Notice, it was indicated that Figures 5, 6, and 7 are not included in the description of the figures section of the specification. Figures 5, 6, and 7 are included in the drawings.

Applicant has reviewed the file. Figures 5, 6, and 7 were originally included in the three original pages of drawings. Furthermore, the detailed description of the invention section of the specification includes a thorough discussion of Figures 5, 6, and 7. Therefore, Applicant respectfully contends that Figures 5, 6, and 7 were original part of the application, and Applicant intended for

these figures to be included.

As such, Applicant has amended the specification to include the figure descriptions in the specification. Paragraph [0040] has been amended to include the descriptions of Figures 5, 6, and 7. A Marked Up Copy and Substitute Copy are attached hereto in accordance with a regular amendment.

No new matter has been added by these amendments. There is no new matter in Paragraph [0040]. No new matter has been added by the new words in the specification. The Figures are not new. The description of the Figures is not new because the corresponding descriptions are apparent from the drawings and specification contains a further written description.

Applicant respectfully disagrees with the Response to Rule 312 Communication. Applicant provided the extra copies for the convenience of the Examiner. There was a marked copy and a clean substitute copy. The substitute copy is easily captured into text for processing. Furthermore, Applicant did, in fact, state that no new matter is contained in the amendment at the bottom of Page 4 and the top of Page 5 of Amendment C, filed on November 22, 2006.

As such, the present amendments in the Supplemental Amendment C no longer require new numbering of paragraphs. However, more text is included and the number of pages for final processing may be adjusted.

Applicant respectfully contends again that no new matter has been added by these amendments and that no changes to the drawings are required to resolve the inconsistencies between the figures and the text. The present amendment after final, under 37 C.F.R. § 1.312, has been entered for the purpose of placing the application into a condition for issuance

Applicant respectfully requests that the present Amendment be entered prior to issuance as

an official Letters Patent.

Respectfully submitted,

December 21, 2006

/Andrew W. Chu/

Date

John S. Egbert; Reg. No. 30,627
Andrew W. Chu; Reg. No. 46,625

Customer No. 24106

Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax

Marked Up Copy

In Paragraph [0040], revise the paragraph as follows:

[0040] FIGURE 4 is a perspective view of a pickup truck with the storage device in its lowered position having a remote controller extending outwardly of the cab of the pickup truck.

FIGURE 5 is an isolated elevation view of the scissor lift mechanism in the raised condition.

FIGURE 6 is another isolated elevation view of the scissor lift mechanism in the lowered condition

FIGURE 7 is an internal side elevation view of the invention, showing the configuration of the motor within the channel defined by the interior of the beam.